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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln No.: 09/996,208 )  
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Filed: November 28, 2001 )  
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Applicant(s): Gregory W. Cox et al. )  
)  
Title: Method and Apparatus for )  
Self-Link Assessing Router )  
)  
Art Unit: 2664 )  
)  
Examiner: Justin M. Philpott )  
\_\_\_\_\_  
Attorney Docket No.: CML00090N (69611) )  
)  
Customer No.: 22242 )

Confirmation No. 1240

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date.

03/09/2006

Date

\_\_\_\_\_  
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Mail Stop APPEAL BRIEF - PATENTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant(s) hereby submit(s) to the Board of Patent Appeals and Interferences the following:


- ☐ A Notice of Appeal From The Primary Examiner To The Board Of Patent Appeals And Interferences is enclosed which includes the fee under 37 CFR § 41.20(b)(1) for filing the Notice of Appeal.
- ☒ A Reply Brief (in triplicate) is enclosed.
- ☐ An Appeal Brief (in triplicate) is enclosed.
- ☐ The fee for filing the Appeal Brief is \$500.00 (37 CFR § 41.20(b)(2)).
- ☐ Applicant(s) assert entitlement to Small Entity Status (37 CFR § 1.27), reducing the Appeal Fee by half to \$ 250.00.
- ☐ Charge \$ \_\_\_\_\_ to Deposit Account No. 06-1135.
- ☐ A check in the amount of the fee is enclosed.

**Notice of Appeal 1-1204**

Application No. 09/996,208  
Reply Brief dated March 9, 2006  
Examiner's Answer dated January 12, 2006

- ☐ Not required (fee paid in prior appeal in this application).
- ☐ A petition for extension of time under 37 CFR § 1.136(a) is enclosed.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this appeal, or credit any overpayment to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135. This Notice is filed in duplicate.

March 9, 2006  
Date

  
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Appln No.: 09/996,208  
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TC/A.U.: 2664  
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Docket No.: CML00090N (69611)  
Customer No.: 22242

3/9/06  
Date

Steven G. Parmelee  
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**REPLY BRIEF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Pursuant to 37 C.F.R. §41.41(a)(1), the applicants hereby respectfully submit the following Reply Brief in support of their appeal. This Reply Brief is being filed in triplicate.

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Reply Brief dated March 9, 2006  
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**(1) Status of Claims**

Claims 1-18 are pending and presently stand twice and finally rejected and constitute the subject matter of this appeal.

**(2) Grounds of Rejection to be Reviewed on Appeal**

Claims 1 – 16 stand rejected under 35 U.S.C. 103(a) given U.S. Patent No. 6,532,217 to Alkhatib et al. (“Alkhatib”) in view of U.S. Patent No. 6,178,455 to Schutte et al. (“Schutte”). Claims 17 and 18 are rejected under 35 U.S.C 103(a) given Alkhatib in view of Schutte and further in view of certain prior art as has been identified and admitted by the application (“applicant’s prior art”). The applicant disputes these rejections.

**(3) Argument**

***Rejections under 35 U.S.C. 112***

There are no rejections of the claims under 35 U.S.C. 112.

***Rejections under 35 U.S.C. 102(b)***

There are no rejections of the claims under 35 U.S.C. 102.

***Rejections under 35 U.S.C. 103(a)***

Claims 1 – 16 stand rejected under 35 U.S.C. 103(a) given U.S. Patent No. 6,532,217 to Alkhatib et al. (“Alkhatib”) in view of U.S. Patent No. 6,178,455 to Schutte et al. (“Schutte”). Claims 17 and 18 are rejected under 35 U.S.C. 103(a) given Alkhatib in view of Schutte and further in view of certain prior art as has been identified and admitted by the application (“applicant’s prior art”).

The applicant will endeavor to not repeat the arguments that have already been presented in the applicant’s Appeal Brief. The purpose of this Reply Brief is to respond more particularly to certain points relied upon or conclusions drawn by the Examiner in the Examiner’s Answer.

**Point 1:**

The applicant has characterized Alkhatib as being directed to a non-router node as distinct from the router context that relates to the applicant’s claims. The Examiner argues that, “Contrary to applicant’s argument, however, Alkhatib recites that the device 76 comprises an interface 78 for communication means, and that the interface 78 may comprise “a router.”<sup>1</sup> The section of Alkhatib relied upon by the Examiner reads in its entirety as follows:

In one embodiment, device 76 could be a videotape machine, home security system, home lighting system, computer, disk drive, etc. Device 76 includes a network interface 78. In one embodiment, network interface 78 could include a network card (e.g. Ethernet card), a modem, a router, etc.<sup>2</sup>

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<sup>1</sup> Examiner’s Answer page 8, lines 2-4.

<sup>2</sup> Alkhatib at column 5, lines 22-27.

The applicant continues to submit that a person of average skill in the art would not read this reference, in context, as teaching that Alkhatib's teachings in fact relate to a router as such. This casual reference to the network interface being a router, would likely strike the skilled reader as being odd, inconclusive, and likely wrong, as a router is utterly unlike network cards, modems, and the like. In fact, As a router is not properly usable as a network interface in this regard, Alkhatib is quite arguably non-enabling with respect to rendering any useful teachings regarding routers and their application in a network setting. This being so, the applicant continues to respectfully submit that Alkhatib is devoid of any useful or meaningful teachings with respect to routers and hence continues to be distinguished from the applicant's claims in ways that are detailed in the applicant's Appeal Brief.

Point 2:

The Examiner argues that "one of ordinary skill in the art would recognize that the link and prefix-need identifying steps of the invention of Alkhatib occur at interface 78 so, not only does Alkhatib specifically state this interface 78 may comprise a router [citation omitted], Alkhatib specifically emphasizes utilizing routers in the invention . . . <sup>3</sup> Setting aside for the sake of argument the point raised above that a router simply cannot be an interface as proposed by Alkhatib, the applicant fundamentally disagrees with these characterizations and conclusions raised by the Examiner. Repeatedly and consistently, Alkhatib characterizes his teachings as running on the device 76<sup>4</sup> and not on the interface 78. Further, in the offered list of interfaces, Alkhatib clearly implies that the interfaces are interchangeable and that his invention functions with a wide variety of interfaces. Thus, if the Examiner's contentions that Alkhatib teaches running an algorithm at a router, then it would necessarily follow that Alkhatib *also* must be teachings that this algorithm could be run on any number of interfaces, including the named modem and network card. Clearly, however, this is *not* Alkhatib's intent. Rather, Alkhatib, by referencing device 76 consistently rather than interface 78, and by treating interfaces as being fungible, interchangeable, and subordinate to the device 76 itself, Alkhatib teaches that his algorithm is to be run on the device 76 as a whole (and hence on the disclosed processor 80<sup>5</sup>) and not via the interface 78.

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<sup>3</sup> Examiner's Answer page 8, lines 9-13.

<sup>4</sup> See, for example, Alkhatib at column 5, line 52 described step 90).

<sup>5</sup> Explicit references in this regard appear at column 5, lines 29-31 where Alkhatib states "The exact implementation of the processor is not important to the present invention so long as it can carry out the function

Point 3:

The Examiner argues that Alkhatib provides a "suggestion that interface 78 comprise a router to perform the routing function of the invention."<sup>6</sup> Again, Alkhatib offers no teachings with respect to performing routing functions. At most, Alkhatib provides teachings with respect to automatically determining a network address.

Point 4:

The Examiner argues, "Finally, it is further noted that one of ordinary skill in the art would recognize that the steps in Alkhatib are advantageously performed by a router . . . as opposed to being limited to a non-router endpoint, in order to couple a plurality of devices to the links for improved robustness and enhanced functionality."<sup>7</sup> These utterly conclusory statements are utterly without foundation or support in the record. Vague references to "improved robustness" and "enhanced functionality" do not begin to address to shortcomings of the Examiner's position in this regard. Alkhatib's simple (and, seemingly, incorrect and/or naïve) reference to using a router as one would use a network card or a modem would lead to complications, difficulties, expense, and very likely limitations regarding usage and configuration that are directly contrary to such vaguely stated benefits. Quite contrary to the Examiner's conclusions, the applicant respectfully submits that one of ordinary skill in the art would recognize that Alkhatib's steps in context are best when *not* performed by a router.

Point 5:

The Examiner argues, "That is, Alkhatib specifically teaches that 'if all the host numbers for the current subnet mask are taken, the system *changes* the subnet mask in step 112' (emphasis added) (col. 9, line 66 – col. 10, line 1)."<sup>8</sup> With all due respect, the Examiner has mis-characterized the subnet mask in the cited section. It is illuminating to read a bit further than the section relied upon by the Examiner. In particular, Alkhatib proceeds to state, "That is, the system assumes that the subnet is not full, that the subnet mask is incorrect, and that the subnet is larger than the temporary subnet mask indicates."<sup>9</sup> Clearly, then, the subnet number and subnet mask are temporary in that they are the invention's guesses kept internal

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described below" where the "functions described below" are Alkhatib's methods such as those taught with respect to FIG. 3A.

<sup>6</sup> Examiner's Answer page 8, lines 13-14.

<sup>7</sup> Examiner's Answer page 8, lines 18.

<sup>8</sup> Examiner's Answer page 9, lines 5-8.

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to device 76 as to the existing subnet number and subnet mask already existing on the subnet 70. When Alkhatib alludes to the subnet mask being incorrect, he clearly means that the invention's current temporary guesses as to the subnet mask and subnet number do not match the correct subnet mask and subnet number where "correct" means pre-existing and already established on the subnet 70 and thus further refinement of these guesses according to the invention are required in the course of automatically determining a valid network address for device 76. This, again, is the primary object of Alkhatib's teachings.

#### Summary

Alkhatib provides non-relevant teachings in a non-relevant application context and the applicant continues to respectfully submit that the points of differentiation presented in the Appeal Brief continue to be valid and that the Examiner's Answer offers only insufficient facts or reasoning in opposition thereto.

Respectfully submitted,

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Date: March 9, 2006

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